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June 11, 2021

Hon. US District Court Judge John P. Cronon
United State District Court Southern District of New York
500 Pearl Street (Room 1320)
New York, NY 10007

Re: Patrick B. Dunbar v New Gold Equities Corp. vs
Cafe Prime & Buffet Inc. 18-CV-09625

Hon. US District Court Judge Cronon.

I represent the Plaintiff concerning the above referenced matter and I am writing this letter for leave of Court to amend the Complaint, so that the new violations can be properly addressed. On or about May 13, 2021, Your Honor issued an order allowing defendant to file its final report by June 13, 2021. (ecf 89) As of the date of the filing of this letter-motion, defendant failed to file an updated report addressing the issues referenced in their own expert's report.

More, specifically, the defendant's latest report finds that there is a cross-slope 2.4% concerning the item number 2 (two) of the defendant's expert report (2010 ADAAG Section 405.3 requires a maximum of 2% slope in all directions) The item number three (3) of the defendant's report indicates a 4.4% surface slope. Pursuant to Section §405.7.12010 ADAAG guidelines the surface slope cannot exceed 2%. Although the defendant's expert blames the city sidewalk, Plaintiff's position is that the defendant should have done the bottom landing from the beginning since the city allowed them to construct the ramp on top of the city sidewalk. Therefore, Plaintiff respectfully requests that the Court: 1) allow Plaintiff to amend the complaint citing the new violations; 2) allow Plaintiff to move for summary judgment motion against the defendant on the issue of liability; 3) compelling defendant to produce the legal name of the new tenant. So that they can be added to the Complaint.

Plaintiff proposes the following briefing schedule: Motion due 6/21/2021, opposition due: 6/28/2021 and reply due: July, 2, 2021.

I thank Your Honor for Your time and consideration.

Dated: New York, New York
June 11, 2021

Defendant shall respond to Plaintiff's pre-motion letter by June 16, 2021.

SO ORDERED.

____s/Ismail Sekendiz/____

Date: June 14, 2021
New York, New York


JOHN P. CRONAN
United States District Judge